

REMARKS

I. Introduction

With the cancellation herein without prejudice of claim 13 and the addition of new claim 25, claims 12 and 14 to 25 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

Claim 12 was rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,571,621 ("Watanabe et al."), and claims 13 to 24 were rejected under 35 U.S.C. § 103(e) as unpatentable over Watanabe et al. It is respectfully submitted that the present rejections should be withdrawn for at least the following reasons.

As an initial matter, the Examiner will note that claim 13 has been canceled herein without prejudice, thereby rendering moot the rejection of claim 13. Claim 12 has been amended herein without prejudice to include the features included in claim 13 as originally presented.

In Figure 1, Watanabe et al. describes a device for determining at least one parameter of a medium flowing in a line in a main flow direction having a part 31 that has a measuring channel. A partial flow of the medium flowing in a line in the main flow direction flows through the measuring channel from its inlet 7 to its outlet 8. A measuring element is situated in the measuring channel. The measuring channel has a channel section between its inlet 7 and its outlet 8 in which ribs, grooves and ridges 2, 3 are situated, which are used for holding onto liquid droplets, that penetrate into the channel, at the walls of the measuring channel, so that they are not transported with the flow to the measuring element. By the ribs or grooves what is supposed to be achieved is that liquid droplets contained in the air flow deposit in the grooves or on the ribs and glide along the ribs or grooves to the inner wall of the measuring channel and deposit there without reaching the measuring

element. The creation of flow turbulence at the ribs or grooves is in no manner whatsoever addressed by Watanabe et al.

As mentioned above, claim 12 has been amended herein without prejudice to include feature included in claim 13 as originally presented. That is, claim 12 has been amended herein without prejudice to recite that the at least one channel segment is situated, when viewed in the first direction, between the measuring element and the outlet of the measuring channel, and that the mechanism causes flow vortices in the at least one channel segment at least in the case of a return flow of the intake air mass flowing from the outlet to the intake of the measuring channel in a second direction counter to the first direction. According to Watanabe et al., no arrangements causing flow turbulences are situated between measuring element 4 and outlet 8 of the measuring channel. Therefore, it is respectfully submitted that amended claim 12 is patentable over Watanabe et al.

In addition, Watanabe et al. include no hint whatsoever that impurities are able to penetrate into a measuring channel through its outlet, in the case of a backflow, and that structures that are situated between the outlet and the measuring element, and which cause the flow turbulences, prevent such impurities from depositing at the measuring element. According to Watanabe et al., it is important to hold onto impurities before they get to the measuring element, in the case of a flow directed in the first direction, from the inlet to the outlet of the measuring channel. The problem of the backflow is apparently not even appreciated or recognized by Watanabe et al. Thus, there is no motivation whatsoever -- outside of Applicants' own application -- to modify the arrangement described by Watanabe et al.

The contentions included in the Office Action, according to which it is alleged to be obvious to one skilled in the art to situate the ribs and grooves 2, 3 in Watanabe et al., for the case of a backflow, between the measuring element and the outlet, is untenable at least because in Watanabe et al., measuring element 4 is situated in direct proximity to outlet 8 of the measuring channel, as illustrated, e.g., in Figure 1. The extremely short distance between the measuring element and the outlet of the measuring channel is not sufficient for providing structures there which, in the case of a backflow between the outlet and the measuring element, would allow creating flow turbulences that have the effect of making impurities deposit before they reach the measuring element. In the case of Watanabe et al., impurities will therefore always reach the measuring element in the case of a backflow, based on

the short distance of the outlet from the measuring element, without their being trapped before getting there.

In view of all of the foregoing, it is respectfully submitted that Watanabe et al. neither anticipate nor render unpatentable the instant claims as presented herein. Withdrawal of this rejection is therefore respectfully requested.

III. New Claim 25

New claim 25 has been added herein. It is respectfully submitted that claim 25 adds no new matter and is fully supported by the present application, including the Specification. Since claim 25 includes features analogous to features included in claim 12 as amended herein, it is respectfully submitted that claim 25 is patentable over the reference relied upon for at least the reasons more fully set forth above.

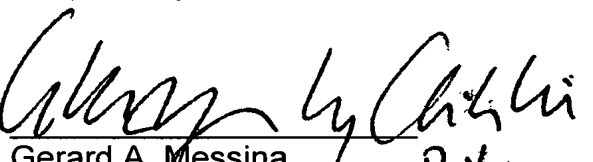
IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date:

March 27, 2001 By:


Gerard A. Messina
Reg. No. 35,952
P.M.
42,194

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646